

## CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date: By plaintiff on 3-25-71

D. C. Form No. 106A Rev.

8

TITLE OF CASE		ATTORNEYS					
<p>Janice Harris and June Parmenter</p> <p>vs</p> <p>Lenora Pollock, Individually and as Co-Executrix of the Estate of Lee Pollock; The First National Bank and Trust Company and The National Bank of McAlester, Banking Corporations</p>		<p>For plaintiff:</p> <p>-Eddie-Harper- -Stipe;-Gossett;-Stipe-&amp;-Harper -4545-Lincoln-Blvd. -Okla.-City;-Okla.-73105--</p> <p><i>383-0301</i></p> <p><del>Pat Malloy &amp; N. E. McNeill Jr.</del> <del>813 Thurston Nat'l Bldg.</del> <del>Tulsa, Oklahoma--74103-</del> <i>per o 11-7-74</i></p> <p>M. J. Parmenter 6107 Waggoner Drive Dallas, Texas 75230</p> <p>A. Camp Bonds 444 Court St., P. O. Box 1906 Muskogee, OK 74401 (683-2911)</p> <p>For defendant:</p> <p>Layden &amp; Layden 323 E. Carl Albert Parkway McAlester, Oklahoma <i>74501</i></p> <p>J. Duke Logan (Pollock &amp; 1st Natl. Bank) P. O. Drawer G Vinita, Okla. 74301</p> <p>Thomas R. Brett <i>(Chickasha Natl. Bank)</i> Jones, Givens, Brett, Gotcher &amp; Doyle 1700 Fourth Natl. Bank Bldg. Tulsa, Okla. 74119</p>					
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.		
J.S. 5 mailed <i>4-1-71</i> <i>8-1-73</i>	Clerk	3-15-71	Stipe	15 00			
		3-18-71	C.D.No.41		15 00		
		4-6-72	Malloy	5 00			
		4-13-72	C.D.No.46		5 00		
J.S. 6 mailed <i>4-1-72</i> <i>1-1-75</i>	Marshal						
Basis of Action: Judgment on father's estate	Docket fee						
	Witness fees						
Action arose at:	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-15-71	Complaint, filed. Summons issued. m	
3-25-71	Plaintiffs' demand for jury trial, filed. ds	
3-30-71	Summons, returned & served: served National Bank of McAlester, at McAlester, Ok. 3-17-71 (\$19.60); served First. Natl. Bank & Trust Co. and Lenora Pollock at Vinita, Ok. 3-25-71(\$40.52)g	
4-7-71	Answer and counterclaim of National Bank of McAlester, filed. ds	
4-13-71	Motion to dismiss for non-joinder of indispensable party pltf. and lack of jurisdiction of the subject matter - prior action in state court, filed. m(of defts. Pollock & 1st Natl. Bank & Trust Co. of Vinita)	
4-13-71	Brief in support of motion to dismiss, filed. m	
4-13-71	Ordered that parties file responsive brief within 10 days to motion to dismiss for non-joinder of indispensable party pltf. & lack of jurisdiction of the subject matter - prior action in state court filed by defts. Lenora Pollock & The First Natl. Bank & Trust Co. of Vinita. (AEB-J)mll	
4-15-71	Plaintiff's interrogatories directed to defendant Lenora Pollock, filed. ds	
4-23-71	Pltfs' motion for extension of time to file brief, filed. m	
4-27-71	Defendant, National Bank of McAlester's, response to motion to dismiss, filed. ds	
5-7-71	Brief of plaintiffs in opposition to motion to dismiss, filed. m	
5-28-71	Amended Complaint, filed. js	
6-1-71	Motion to dismiss for non-joinder of indispensable party plaintiff and lack of jurisdiction of the subject matter - prior action in state court, filed. ds	
6-1-71	Brief in support of motion to dismiss plaintiffs' amended complaint, filed. ds	
6-1-71	Ordered that parties file responsive brief within 10 days to motion to dismiss, (AEB-J) ds	
6-16-71	Brief of plaintiffs, filed. ds	
8-25-71	Entry of Appearance, filed r	
8-25-71	Motion of Attorneys For Plaintiffs for Leave to Withdraw(Stipe, Gossett, Stipe and Harper) filed. js	
8-30-71	Order Allowing Withdrawal of Plaintiff's Attorneys and Substituting New Attorneys, filed (AEB-J). js	
12-14-71	Ordered that U.S. Magistrate conduct the hearing on the following motions: Plaintiff's Motion for extension of time to file brief; Motion to dismiss for non-joinder of indispensable party plaintiff and lack of jurisdiction of the subject matter. (AEB-J)v	
12-14-71	Case called for hearing on above mentioned motions. Counsel of the Plaintiff and the Defendant present. Pltf.'s Motion for extension of time to file brief--MOOT. Motion to dismiss for non-joinder of Indispensable Party Plaintiff (DENIED) and Lack of Jurisdiction of the Subject Matter-- <u>UNDER ADVISEMENT</u> . Attorneys have 5 days to list citations and the <u>Magistrate will rule Summarily</u> . (MLB-USMag.)(MB-CSR)v	
12-16-71	Pltfs Supplemental Brief in Opposition to Motion to Dismiss, filed. r	
12-21-71	Supplemental Brief in Support of Defs.' Motion to Dismiss by def. Lenora Pollock, filed. rm	
1-11-72	Ordered by the Magistrate that it his recommendation that defts' motion to dismiss be granted; deft. to prepare recommendation of the Magistrate and order for the court within 5 days. (MLB-Mag)hm	
2-24-72	Plaintiffs' exceptions to findings and recommendations of Magistrate, filed.g	
2-24-72	Brief in support of pltfs' exception to findings & recommendations of Magistrate, filed. g	
3-7-72	Def. answer brief to pltf. brief in support of pltf. exceptions to FF & Recom. filed	

Continued -

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-8-72	Findings and recommendations of magistrate, filed. (MLB-Mag) ds	
3-8-72	Order of dismissal filed and entered. Motion to dismiss of defendants sustained, and subject matter yielded to state court. (AEB-J) ds	
4-6-72	Notice of Appeal, filed by the Plaintiffs. Copy to U.S.C.A., Malloy and McNeill, Jr., Layden & Layden, Logan, and Brett. v	
4-6-72	Cost Bond on Appeal, filed. Plaintiffs as principals and sureties, in the sum of \$250.00. v	
4-6-72	Designation of Contents of Record, filed. v	
4-6-72	Statement of Point Relied on upon appeal, filed. v	
4-18-72	Appeal record to Court of Appeals (one volume). rm	
7-5-73	Mandate & Opinion of USCA reversing judgment of 3-8-72 and remanding cause for further proceedings consistent with the opinion, filed and spread of record. g	
7-5-73	Bill of costs in USCA, filed; costs in amt. of \$40.00 taxed in favor of appellants, Harris, et al. g	
7-17-73	Appeal record (1 vol.) rec'd from USCA. g	
8-6-73	<u>Answer</u> of the Deft. Lenora Pollock, filed. v	
8-15-73	Deposition of Dr. Donald Olson on behalf of defts., filed. (\$22.00) g	
8-30-73	Deposition of C. L. Priddy, filed. g	
9-10-73	Deposition of H. B. Moore on behalf of defts. taken before Frank L. Peterson, 8-15-73, filed. (Fee of \$73.50 pd. by Defts.) jj	
3-1-74	MO: Parties are directed to hold PT conference prior to April 5, 1974, and file PT order not later than April 12, 1974. (AEB-J) v	
8-9-74	MO: Case at 10:00 a.m. / Set for disposition on 8-27-74 for failure to file Pretrial Order (due 4-12-74) or to submit settlement papers. (AEB-J) k cps mld	
8-27-74	Case called for disposition for failure to file pre-trial order or to submit settlement papers. / Case passed for 30 days pending settlement. (AEB-J) b	
9-26-74	Answer to amended complaint of First Natl. Bank & Trust Co., filed. k	
10-17-74	MO: Parties are directed to hold PT conf. on or before 11-28-74 & file PT order on or before 12-5-74. (AEB-J) k cps sent c/mail	
10-30-74	Appl. to w/draw as attys. for pltf, filed by Malloy & McNeill. k o to J	
10-30-74	Brief in support of appl. to w/draw, filed. k	
11-7-74	Order, filed, sustaining appl. of attys. to withdraw. Ordered that Pat Malloy & N.E. McNeill, Jr. be granted to w/draw as attys. for Pltfs., Janice Harris & June Parmenter, & etc. (AEB-J) v -cps mld.	
11-19-74	Order, filed, authorizing M. J. Parmenter to represent the pltfs. in this cause. (AEB-J) g	
11-25-74	Defts.' proposed pre-trial order, filed. k	
11-26-74	Letter to M. J. Parmenter, pltf. atty., re PT Order due 12-5-74, & follow-up re necessity for local counsel. k	
12-2-74	Mot. of pltfs. for Order of Dismissal, filed, w/ affidavit of June Parmenter. k	

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-2-74	Brief in support of pltfs' mot. for order of dismissal, filed.k	
12-2-74	MO: It is ordered by the Court that defts. are granted 10 days to respond to pltfs.' mot. for dismissal. (AEB-J)k cps mld	
12-2-74	Defts.' Motion to dismiss w/ prejudice or, in the alternative, to set for trial, filed.k	
12-2-74	MO: It is ordered by the Court that pltfs. are granted 10 days to respond to defts.' mot. to dismiss w/ prejudice, or to set for trial. (AEB-J)k cps mld	
12-4-74	Order dismissing cause of action and complaint and counterclaim, filed & entered. (AEB-J)g cpies mld.	
12-5-74	Order, filed, directing refund of \$250 cash appeal bond to Malloy & Malloy. (AEB-J)g	